

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

WP No. 50542 of 2025

(MAAN SINGH AND OTHERS Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 29-12-2025

*Shri Manoj Sharma, Senior Advocate with Shri Quazi Fakhruddin and
Shri Asif Ali Khan, counsel for the petitioners.*

Shri Suyash Thakur, G.A. for respondent/State.

Heard on the question of admission.

The instant writ petition filed under Article 226 of the Constitution of India takes exception to the order dated 25.08.2025 (Annexure P/13) passed by the Naib Tehsildar, Tehsil Huzur, at Shyamla Hills, Bhopal whereby, the petitioners have been directed to be evicted from the government lands situated at Shyamla Hills, Bhopal in terms of provisions contained under section 248 of the M.P. Land Revenue Code, 1959.

The learned senior counsel appearing for the petitioners submits that against the eviction orders dated 25.08.2025, an appeal in terms of section 44(1) of the M.P. Land Revenue Code has been preferred by the petitioners before the Sub Divisional Officer (Nazul), Circle Bhopal. The appeal was preferred in the month of September, 2025, however, till date, no order on the said appeal has been filed yet, the respondents are trying to forcefully evict the petitioners by demolishing their residential accommodation. A news item in the said regard has also been published in the newspaper Annexure P/23. He submits that during the pendency of the appeal, it may not be proper for the State authorities to evict the petitioners. He further submits

that the petitioners have also moved application seeking grant of certain forest rights to the petitioners over the lands in question which ground is also taken in the pending appeal. He submits that till the appeal is decided, the respondents be restrained from forcefully demolishing the accommodations of the petitioners.

Learned counsel for the State submits that petitioners have already availed the statutory remedy of appeal before the Sub Divisional Officer and, therefore, the instant writ petition challenging the very same order, being parallel proceeding, is not maintainable. He further submits that there is no declaration as regards the pending appeal in the declaration clause of the writ petition. He further submits that the application seeking grant of certain forest rights is subsequent to the order of eviction and is, therefore, an afterthought. The petitioners have simply filed their appeal before the First Appellate Authority but has not pressed the same for all this time. There is nothing on record to indicate that any application seeking stay of order of eviction has been filed alongwith the pending appeal. Accordingly, he submits that petition is not maintainable and deserves to be dismissed.

Heard learned counsel for the parties and perused the record.

The memo of appeal against the order of eviction passed by the Tehsildar is placed on record as Annexure P/17.

In view of the above, the interference in the writ petition on merits, is declined. However, the petitioners are set at liberty to move appropriate application seeking urgent hearing of the pending appeal before the S.D.O (Nazul), City circle Bhopal alongwith the applications seeking stay of the

eviction order dated 25.08.2025 within a period of four working days. In case , any such application is moved by the petitioners, the first appellate authority (SDO) shall consider and decide the same in accordance with law within a period of seven days thereafter and shall take steps to dispose off the pending appeal as expeditiously as possible preferably within a period of 90 days thereafter.

Till such decision on the pending appeal is taken by the S.D.O. Bhopal, the respondents are restrained from taking any coercive measures for demolition of the residential accommodation of the petitioners, if not already taken. It is made clear that in case no such application for urgent hearing and grant of stay is filed by the petitioners before the S.D.O. (First appellate Authority) within a period of four days from today, the interim relief granted to the petitioners shall stand vacated automatically.

With the aforesaid, this petition is disposed off. It is made clear that this court has not expressed any opinion on merits of the claim of either parties. It shall be open for the first appellate authority to consider and dispose off the appeal in accordance with law.

Learned counsel for the State is directed to communicate this order to the concerned authority.

(AMIT SETH)
V. JUDGE

Later on :

Learned counsel for the State submits that S.D.O., Bhopal has

telephonically informed that the appeal preferred by the petitioners has been decided on the last working day.

The learned Senior counsel appearing for the petitioners submits that till the time of filing of the instant writ petition, neither any order on their appeal was communicated to them nor they were informed about the date of hearing of the appeal by the first appellate authority.

In view of aforesaid submission, let notices be issued to the respondents. P.F be paid within seven working days. Notices be made returnable within four weeks.

Till next date of hearing the respondents are restrained from taking any coercive measures for demolition of the residential accommodation of the petitioners, if not already taken.

C.C today.

(AMIT SETH)
V. JUDGE

MKL

